IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

CRL.A.No. 178 of 2000()

CC.500/1998 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE
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APPELLANT: (COMPLAINANT IN C.C)

E.P. DAWOOD, S/O. ABDUL KADER HAJI,
KAVITHA- THONDAYAD,
CHEVARAMBALAM P.O.,
KOZHIKODE 673 017.

BY ADV. SRI.S.ABDUL SALAM
SRI.ANTONY MUKKATH

RESPONDENTS: (ACCUSED IN THE C.C. AND THE STATE)
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1. **MR.U.P.RAMADAS,**
S/O.SANKARAN,
POOVANGHOTTU HOUSE,
CALICUT 673 016.

2. **THE STATE OF KERALA**
REP.BY THE DIRECTOR OF PUBLIC PROSECUTION.

BY PUBLIC PROSECUTOR SRI.S.DILIP

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.A.NO.178 of 2000

DATED THIS THE 27th DAY OF JUNE 2007

JUDGMENT

The appellant is the complainant in C.C.No.500/1998, the complaint filed under Section 138 of the Negotiable Instruments Act, in the file of the Judicial Magistrate of First Class-I, Kozhikode. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant that on the particular day, he happened to be absent on account of wrong noting of the posting date.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on its merits. The appellant shall appear before the court below on 30-7-2007. The court below shall issue summons to the accused/respondent. The appeal is allowed.

ks. K.R. UDAYABHANU, JUDGE

K.R. UDAYABHANU,J.

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CRL.A.NO. 178 of 2000

JUDGMENT

27-6-2007

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